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sterilized by boiling or steaming by means of an appliance or plant used exclusively for that purpose. Such appliance or plant shall be open at all times to the inspection of the health officer, or any inspector employed in the health department, and it shall be unlawful for any person, firm, or corporation to prevent, or to attempt to prevent, the health officer or any such inspector from inspecting any such appliance or plant or any portion thereof or to interfere in any manner with such inspection.

SEC. 22. It shall be unlawful for any person to serve any milk, cream, buttermilk, skimmed milk, pasteurized milk, condensed or evaporated milk, or condensed or evaporated skimmed milk, in bottles, to any dwelling in which any person is ill with any contagious, infectious, or communicable disease, or to any dwelling on which there is a placard or notice stating or indicating that any person therein is ill with any contagious, infectious, or communicable disease until after such placard shall have been removed by the proper officer.

It shall be unlawful for any person to remove from any such dwelling any bottle or receptacle which shall have been or is to be used for the purpose of receiving, storing, or delivering milk, cream, buttermilk, skimmed milk, pasteurized milk, condensed or evaporated milk, or condensed or evaporated skimmed milk, or into which any milk, cream, buttermilk, skimmed milk, pasteurized milk, condensed or evaporated milk, or condensed or evaporated skimmed milk shall have been or is to be placed, or which is commonly used for the reception, storage, or delivery of milk, cream, buttermilk, skimmed milk, pasteurized milk, condensed or evaporated milk, or condensed or evaporated skimmed milk.

SEC. 23. It shall be unlawful for any person affected with any contagious, infectious, or communicable disease, or who shall have been knowingly exposed to any such disease within a period of 10 days, to handle, transport, deliver, mix, work over, or distribute milk, cream, buttermilk, skimmed milk, pasteurized milk, condensed or evaporated milk, or condensed or evaporated skimmed milk, or to serve as a milker or milkman.

SEC. 24. It shall be unlawful for any person, firm, or corporation to use, or to cause or permit to be used, any bottle, can, or other vessel in the sale, distribution, or delivery of milk or cream which shall have been handled by any person affected with any contagious, infectious, or communicable disease, unless such bottle, can, or other vessel shall have been cleaned and sterilized as hereinbefore provided.

SEC. 25. It shall be the duty of every person, firm, or corporation owning, conducting, carrying on, or operating any dairy or milk house, or any place where milk is stored or is kept for sale, to post and keep posted therein at all times a copy of this ordinance.

SEC. 26. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable, unless otherwise provided by this ordinance, by a fine of not less than \$5 nor more than \$500, or by imprisonment in the city jail for a period of not more than six months, or by both such fine and imprisonment.

Each such person, firm, or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable therefor as provided by this ordinance.

SEC. 27. That ordinance No. 17193 (new series), entitled "An ordinance regulating the sale of milk, cream, buttermilk, condensed or evaporated milk or cream, in the city of Los Angeles, and providing for the inspection of milk, cream, buttermilk, condensed or evaporated milk or cream, dairies, cows, cow stables, milk houses, milk vessels and vehicles," approved September 30, 1908, and all ordinances amendatory thereto or thereof, and all other ordinances in conflict with this ordinance be and the same are hereby repealed: *Provided*, That any such repeal shall not affect or prevent the prosecution and punishment of any person, firm, or corporation for any act done or permitted in violation of any ordinance which may be repealed by this ordinance, and shall not affect any prosecution or action which may be pending in any court for the violation of any ordinance repealed by this ordinance. [Ordinance adopted July 12, 1910.]

PORTLAND, OREG.

MILK—PRODUCTION, CARE, AND SALE.

SECTION 1. It shall be unlawful for any person to sell, dispose of, or to offer or keep for sale as human food, any milk within the city of Portland without first obtaining a license therefor in accordance with the provisions of this ordinance.

SEC. 2. Any person desiring a license pursuant to this ordinance shall first make a written application therefor to the board of health, stating the following facts:

- (a) The name and place of residence or business of the applicant.
- (b) Whether said applicant is a producer of milk.

- (c) The exact location of the dairy and herd which produces the milk.
- (d) The number of cows in each dairy herd.
- (e) If the applicant is not a producer of milk, the name of each person from whom he obtains or is about to obtain milk, the location of each dairy and the number of cows in each herd from which the milk is obtained.
- (f) That the applicant will permit the board of health or the dairy and milk inspectors of the city of Portland, prior to the issuance of a license, to inspect in accordance with this ordinance his dairy and herd, and that he will permit such inspection at any time thereafter. If the applicant is not a producer of milk, or if he sells or is about to sell milk not produced by his own cows, his application must be accompanied by a written statement from the owner of each dairy or herd where such milk is produced to the effect that such owner will consent to an inspection by the board of health or the dairy and milk inspectors of the city of Portland, prior to the issuance of any license for the sale of milk in the city of Portland from such herd or dairy, and that he will permit such inspection to be made at any time thereafter.
- (g) If the dairy or herd of the applicant, or the dairy or herd from which he obtains or is about to obtain milk for sale in the city of Portland, shall have been inspected by an inspector employed by or under the authority of the State of Oregon, or of the State wherein such milk is produced, or of the United States, or by an inspector working under the direction of or in cooperation with the board of health of the city of Portland, the applicant should state that fact in his application.

Sec. 3. Upon the filing of such application, the board of health shall cause the dairy and herd of the applicant or the person from whom he obtains his milk, to be thoroughly inspected to ascertain if the same conforms in all respects to the provisions of this ordinance. Said inspection shall include the "tuberculin test" as a diagnostic agency for the detection of tuberculosis in such animals. If upon such inspection it be found that such herd is free from tuberculosis and free from all other contagious or infectious diseases, and that the cows are fed, housed, and cared for, and that such dairy is maintained and operated and the milk therefrom is handled, transported, sold, and delivered in the city of Portland in a clean and sanitary way, and all in accordance with the provisions of this ordinance, the board of health shall issue to such applicant a certificate of inspection, and no such certificate and no license shall issue to any applicant until such inspection shall have been made: *Provided*, That if it shall appear from the application, and satisfactory proof thereof shall be furnished to the board of health that such dairy and dairy herd have been inspected within one year prior to the date of such application by any of the inspectors mentioned in subdivision (g) of section 2 of this ordinance, and it shall appear to the board of health that such test was coextensive with the tests and inspections required by this ordinance and that such dairy and herd were found upon such inspection to be in a condition conforming to the provisions of this ordinance, then, in such event, the board of health may adopt such inspection in lieu of the initial inspection required by this section, and may issue a certificate to such applicant as above set forth.

Sec. 4. If upon making the inspection herein provided for, any cows in any such herd be found to have any contagious or infectious disease, the inspector shall place a permanent metal tag upon the right ear of such animal, and in all doubtful cases shall place a similar tag on the left ear. If the dairy or herd are not found upon such inspection to conform in all respects to this ordinance, no certificate or license shall issue to such applicant until such dairy has been made to so conform, nor until all cows and animals affected with disease have been removed from the dairy and herd and the dairy disinfected under the supervision of the board of health. No certificate or license shall issue to any applicant who refuses to permit his dairy or herd to be inspected as herein provided, nor shall any applicant receive a license who sells or is about to sell milk in the city of Portland from any dairy or herd, wherever situated, the owner of which refuses to permit such dairy or herd to be inspected as herein provided.

Sec. 5. Upon the receipt of the certificate of inspection provided for by sections 3 and 4 of this ordinance, the applicant shall pay to the treasurer of the city of Portland the annual license fee provided for by section 7 of this ordinance. The applicant shall then present to the auditor of the city of Portland his certificate of inspection, together with his receipt from the treasurer, and the auditor shall then issue a license to sell milk in the city of Portland for the unexpired period of the then current year. Each license shall be numbered. The auditor shall also furnish to the applicant a license tag, if for a wagon, cart, or can, setting forth the license number and the date of the expiration of the said license in conspicuous letters and figures the same to be placed in a conspicuous place on the side of each carriage, wagon, or other vehicle or can used by him in the sale or distribution of milk within the city of Portland, and all licensees who shall sell milk from stores or shops, or milk depots, shall keep their licenses constantly posted in a conspicuous place upon the wall of the room within which such sale of milk is carried on.

Sec. 6. Each license issued under the provisions of this ordinance shall be issued upon the condition that each person so licensed, as well as the person from whom he obtains his milk, shall at all times permit the board of health of the city of Portland, or the dairy and milk inspectors thereof or other proper agents authorized by or cooperating with said board, to thoroughly inspect, in accordance with this ordinance, any dairy or herd from which milk is obtained for sale or consumption within the city of Portland. If any licensee, under this ordinance, shall at any time refuse to permit an inspection of his dairy or herd, as herein provided for, his license shall be revoked by the board of health. If any licensee shall sell milk in the city of Portland from any dairy or herd, the owner of which shall have refused to permit an inspection of his dairy as herein provided for, the license of such licensee shall be revoked by the board of health.

Any license issued under this ordinance may also be revoked for any failure or refusal of the licensee, or person from whom he obtains his milk, to comply with this ordinance, or the laws of the United States, or of the State wherein the milk is produced.

Sec. 7. The license fees for the sale or disposal of milk or cream in the city of Portland shall be as follows:

For selling or delivering milk or cream in the city of Portland, from each wagon, \$2.50 per annum.

For selling or delivering milk from each cart pushed by hand, 50 cents per annum.

For selling or delivering milk or cream from a can carried in hand, 50 cents per annum.

For creameries and milk depots, \$5 per annum.

For stores, houses, bakeries, and delicatessen, and other places from which milk or cream is sold in limited quantities, \$1 per annum.

Such license shall expire on the 1st day of December next ensuing the issuance thereof, and no license shall be issued for less than one year, except to a person commencing business, in which case the license shall be issued to the 1st day of December next ensuing: *Provided*, That the full amount of the annual license fee must be paid for any license issued under the provisions of this ordinance.

Sec. 8. No person who has in good faith filed a proper application as herein provided shall be prosecuted upon the charge of selling milk in the city of Portland without a license, pending action on such application by the board of health, but in all other respects such applicant shall during such time and at all times comply with this ordinance and all of the rules and regulations thereof, and it shall be unlawful for such applicant or any person to sell or have for sale in the city of Portland milk produced by tubercular or otherwise diseased cows, or any unwholesome milk, or to violate this ordinance in any way.

Sec. 9. The board of health is hereby authorized to employ one or more competent persons, not exceeding six, who shall be known as dairy and milk inspectors, and whose duty it shall be, under the supervision and direction of the board of health, to see that the provisions of this ordinance are enforced. The salary of each such dairy and milk inspector shall be the sum of \$125 per month, payable monthly out of the general fund. In addition to the foregoing employees, the board of health may appoint other competent dairy and milk inspectors, when required, to serve without pay.

Sec. 10. It shall be the duty of the board of health, and the inspectors employed by and under the direction of, or cooperating with the board of health, to inspect in accordance with this ordinance all dairies and herds in the city of Portland, and all dairies and herds outside of the city of Portland from which milk is produced for sale or delivery within the city of Portland, and to see that such dairies and herds and the handling and sale of milk therefrom conform to this ordinance. An initial inspection shall be made upon each application for a license, as provided by sections 3 and 4 of this ordinance, and thereafter twice each year without any previous notice to the owner of such dairy or herd. Additional inspections shall be made whenever there is reason to believe that this ordinance is being violated. The tubercular test shall be applied once each year to each animal producing milk to be disposed of for human food in the city of Portland. The places and things to be inspected by said officers shall include all dairies and dairy herds and all milk produced therefrom, and all barns, stables, cow yards, creameries, stores, railroad cars, delivery wagons, and all places and implements and utensils through, by, or from which milk is furnished to the city of Portland and its inhabitants, and for the purpose of making such inspection said board of health or its authorized inspectors or agents shall have the right to enter and inspect any place where milk or cream is stored or kept for sale, and said board of health or its authorized inspectors are hereby authorized to open any can or vessel containing milk or cream and take a sample therefrom not to exceed 1 quart for the purpose

of testing or analyzing the same, and in case such sample shall be proved upon such examination to be held with intent to sell in violation of any of the provisions of this ordinance, said board of health shall cause to be revoked the license held by such person: *And provided*, That such officer shall, at the time of taking such sample, also deliver a like sample of the milk or cream in a bottle duly sealed by said officer to the person having custody of such milk or cream at the time the sample is taken, and no prosecution shall be instituted for violation of this ordinance based upon such sample taken by said officer, unless such duplicate sample shall have been furnished by said officer.

SEC. 11. It shall be unlawful for any person engaged in the sale or disposal of milk or cream in the city of Portland to change the source of supply of said milk or cream, or any part thereof, without first sending a written notice to the board of health, stating the names of the persons supplying such milk or cream and the location of the dairies from which the same is procured, and the number of cows in the dairy herds. If such new source of supply shall not have been already examined and inspected as required by this ordinance, it shall be unlawful to sell milk therefrom in the city of Portland until such inspection shall have been made and until the same is made to comply with this ordinance. If any new cow is added to any herd from which milk is supplied in the city of Portland, it shall be so inspected before its milk is sold or placed upon the market in the city of Portland.

SEC. 12. It shall be unlawful for any person to sell in the city of Portland, or to ship or bring into said city for sale as human food, any unclean, impure, infected, unwholesome, watered, adulterated, or chemically preserved milk, or any milk produced under unsanitary conditions about the barnyard, or drawn in overcrowded, unventilated stables, or stables which are filthy from the accumulation of animal refuse, or which are unsanitary from any other cause; or any milk prepared for market in dark, unclean, unventilated milk rooms, or collected or conveyed in unclean, unsanitary utensils or vehicles; or milk exposed to pollution, or infected by flies, or infected in any other way; or any milk drawn from sick or diseased cows with filthy udders, or from cows within 30 days before or 6 days after parturition; or any milk handled in any way by sick, unclean, or diseased persons, or persons having recently been exposed to any infectious or contagious disease; or any milk drawn from cows fed upon garbage or slops from distilleries, breweries, vinegar factories, or any similar slops, mash, or food that has been subject to fermentation or putrefaction. Nothing herein contained shall prevent the feeding of fresh malt or silo food.

SEC. 13. All cows from which milk is sold in the city of Portland shall be comfortably sheltered or housed in buildings with tight walls and ceilings and with tight, sound floors and proper gutters. For the admission of light there shall be not less than 2 square feet of glass for each cow or other animal, with such sources of light evenly distributed. Such buildings shall be well ventilated, but free from drafts, having not less than 500 cubic feet of air space for each cow. All stables in which cows are kept shall be supplied with an abundance of dry, clean bedding of straw or similar material. The cows shall be well fed with clean, wholesome food and have an abundance of clean, fresh water accessible. All stables shall be clean, well drained, and free from all filth and contaminating surroundings, and manure shall not be allowed to accumulate in such stables. The barnyard and places where the cows are allowed to be shall be well drained and free from filth, standing liquid manure. All manure shall be removed daily to a field or proper pit at least 50 feet away from such stables and yards. Cows shall at all times be kept clean, and just before milking shall be brushed on and around the udder and under and on the side of the cow, to remove loose hair or other particles that may have accumulated. The udders shall be washed and dried at least 15 minutes before milking, and the hands of the milker shall be clean and dry. The air in the stable at the time of milking shall be free from dust, foul air, and obnoxious or unwholesome odors.

SEC. 14. Milk which is to be sold or delivered in the city of Portland shall, immediately upon being drawn from the cow, be removed from the stable to a light, well-ventilated room which shall be screened from flies and which shall be separate and apart from said stable, and said milk shall be cooled to a temperature below 50° F.; and any milk reaching a temperature above 60° F. shall, for the purposes of this ordinance, be declared unwholesome and unsalable as fresh milk.

SEC. 15. All utensils used for the collection or transportation of milk or cream shall, before being used, be thoroughly washed and then sterilized with boiling water or live steam. Any milk or cream collected or transported in utensils not treated and cared for as above provided shall, for the purposes of this ordinance, be declared unwholesome and unsalable as fresh milk or cream. All vessels or utensils used for shipping milk or cream to the city of Portland from points outside of the city shall be securely sealed.

Sec. 16. No milk or cream offered for sale in the city of Portland shall be drawn or placed in bottles except on the premises on which said milk is produced, or on the premises of the retailer or wholesaler, in which case it must be handled in a cleanly and sanitary manner satisfactory to the board of health, and protected from pollution of every kind; and any milk bottled while being transported shall, for the purposes of this ordinance, be declared unwholesome and unsalable as fresh milk.

Sec. 17. No milk or cream shall be delivered in bottles which are to be returned to the dealer, at any house under quarantine or at any house where such dealer has been given notice that tuberculosis or other contagious disease exists.

Sec. 18. That there be, and hereby is, established the following standard of normal milk, and normal milk is hereby defined to be milk containing not less than 3.2 per cent of butter fat, and not less than 8.5 per cent of milk solids other than butter fat, and having a specific gravity of not less than 1.029 or more than 1.034, and an average amount of cream of not less than 8 per cent of the volume, and free from dirt, pus, blood cells, and disease germs. Milk or cream containing more than 200,000 bacteria to the cubic centimeter shall, for the purposes of this ordinance, be declared unwholesome and unsalable as fresh milk or cream. All cream shall contain not less than 20 per cent of the fatty portions of pure milk which rise to the surface when milk is left at rest, or is separated by other means.

Sec. 19. No person shall sell, deliver or expose or hold for sale, in the city of Portland, or ship or bring into the city of Portland for sale as human food, any milk from which the cream or any part thereof has been removed, unless the same shall be contained in cans labeled in red letters or red labels not less than 2 inches high "Skimmed milk," and unless the same is represented to be and is sold as skimmed milk. All hotels and restaurants in the city of Portland serving skimmed milk shall have displayed a sign or placard in a conspicuous place with the words "Skimmed milk" in letters not less than 3 inches in height thereon; the said sign or placard shall be so placed where the same can be seen from all parts of the dining room or rooms, and shall have the same listed "Skimmed milk" on the bill of fare.

Sec. 20. The board of health shall keep a record of all certificates of inspection granted for the sale of milk in said city and shall keep such records in a systematic manner and available for the inspection of the public.

Sec. 21. At the end of each month a report of all inspections made during that month shall be submitted by each inspector, in writing, to the board of health. The scoring system recommended by the United States Bureau of Animal Industry shall be utilized and used in the inspection of all dairies, and the detailed score of each dairy inspected shall be submitted with aforesaid report. If for two successive inspections, providing said inspections shall be made not less than one month apart, a total score of 60 points out of a possible 100 as provided for by the scoring system of the United States Bureau of Animal Industry shall not be made, the board of health shall notify the licensee that his license will be revoked if upon further investigation the dairy shall be found unsanitary. A statement of the score of each licensee shall be published on the 10th day of each month in the city official newspaper.

Sec. 22. The board of health of the city of Portland is hereby authorized and empowered to, from time to time, formulate such rules and regulations, not inconsistent with the provisions of this ordinance, and necessary to secure a standard of milk required by the provisions of this ordinance; and it shall be unlawful for any person to fail, neglect, or refuse to comply with such rules and regulations, and the council may revoke any permits or licenses issued, upon recommendation of said board.

Sec. 23. The word "person" whenever used in this ordinance shall be taken to mean and include natural persons of either sex, copartnership, corporations and associations of persons, whether acting by themselves, or by any servant or agent or employee; the singular number shall include the plural and the masculine pronoun shall include the feminine and neuter. Whenever the word "sell" or any of the forms of that word are used in this ordinance, it shall mean and include the delivery, giving away, or otherwise disposing of the article mentioned, and also the keeping and exposing for sale or the placing upon the market of such article for human food. The word "milk," unless otherwise expressly stated, shall mean and include milk, cream, and any liquid derivative of milk.

Sec. 24. When any milk sold or kept for sale in the city of Portland is found upon inspection or otherwise to be in a condition or of a quality prohibited by this ordinance, or produced or handled in violation of this ordinance, the board of health, after giving the owner an opportunity to be heard in defense of his property, may cause the same to be destroyed or disposed of otherwise than as human food.

Sec. 25. Any person who violates any of the provisions of this ordinance shall, upon conviction thereof in the municipal court, be punished by a fine of not more than \$500 or by imprisonment in the city jail not exceeding six months, or by both such

fine and imprisonment in the discretion of the court. In prosecutions under this ordinance it shall not be necessary to prove guilty knowledge or criminal intent.

SEC. 26. That ordinances Nos. 20426, 20550, and 19090 of the city of Portland be, and the same are hereby, repealed: *Provided*, That this repeal shall not annul, suspend, or affect in any way proceedings now pending in any court under the foregoing ordinances or any one of them.

SEC. 27. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace, and safety of the city of Portland and the inhabitants thereof in this: That present ordinances regulating the supply of milk to the inhabitants of the city of Portland are insufficient and inadequate; therefore an emergency is hereby declared, and this ordinance shall go into force and effect from and after its approval by the mayor. [Ordinance adopted January 11, 1911.]